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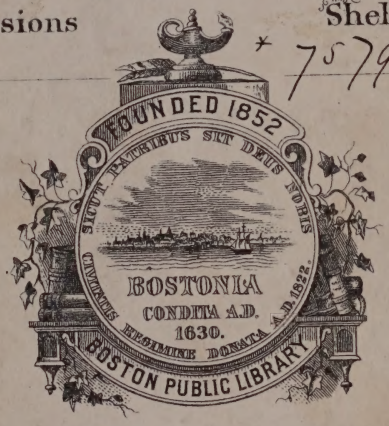

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WOMAN'S SUFFRAGE TRACTS. NO. 5.

THE

LEGAL CONDITION OF WOMEN

IN MASSACHUSETTS.

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BY

SAMUEL E. SEWALL.

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THE LEGAL CONDITION OF WOMEN IN MASSACHUSETTS.

My object, in the following pages, is to present an outline of the law of Massachusetts affecting women, as distinguished from men, with occasional comments. The law of this commonwealth, however, is so like that of most of the States, that the greater part of what I write will apply to many of the others.

Nothing more than a mere sketch, and that an imperfect one, is possible within the limits that I propose. I shall aim to present the most important features of the system; though even of these many of the qualifications, distinctions, and exceptions will be necessarily passed without notice. A large and instructive volume in regard to the subject might be written.

Most people have a general idea of the legal disabilities of the female sex. But very few, except lawyers, understand, in their full extent, the oppression and annoyance to which our system subjects women, until some hard case directs their attention to a particular form of this injustice.

The Declaration of Independence proclaims that "*all men are created equal,*" and have unalienable rights. We all admit this. And it is conceded that the word "men" here includes persons of both sexes, and the word "equal" means equality of rights, not of capacity.

When Jefferson wrote these words, which have been cited many thousands of times, and can never be too deeply impressed upon us, he was, no doubt, far from thinking of all the applications of the truth he was publishing.

The Constitution of Massachusetts, following the Declaration, says, "All men are born free and equal," and have unalienable rights.

The Constitution of Massachusetts denies suffrage to woman, and

thus is inconsistent with itself, and also violates the great principle of the Declaration of Independence, the *organic law* of the nation, by giving man a great right and privilege, and refusing it to her who is entitled to it as his equal.

The denial of this franchise is the most serious wrong done to women, since granting them the ballot would, no doubt, lead eventually to the redress of their other wrongs.

This refusal of the ballot perpetuates the stigma and badge of inferiority on more than one half of the whole population of the State. The effect of this disability is obvious. We look upon the ballot as one of the great educators of male citizens, because it interests them in public affairs, and leads them to consider and discuss important questions of legislation. Our constitution not only shuts out this great avenue of education from our female citizens, but the legal inferiority tends in every direction to produce the mental inferiority which it presupposes. It cramps thought, and paralyzes effort.

The secondary effects of this disability are equally if not more disastrous. Men fall short of the high character which would be infused into them through the superior moral and intellectual power which women would acquire in consequence of gaining the great franchise. Our legislation is degraded, and our society debased, because the two sexes do not associate as equals in the most important business of the nation.

It is hardly necessary to add, that to deprive any class of persons who pay taxes of the right of voting violates the principle for which our fathers contended during the revolution, that Taxation without Representation is Tyranny. Thousands of women pay taxes in Massachusetts, some of them very large ones (in Boston alone they are taxed on twenty-eight millions of real, and thirteen millions of personal property); yet they have no voice in directing the appropriation of their money, are compelled to submit to enactments from which their moral instinct revolts, and have no power to urge effectually reforms which they believe to be all-important. Since women are not allowed to vote, they are generally considered ineligible to any public office, and incapable of holding any by appointment of the governor. I am far from assenting to this view of the law; for, in my opinion, any person, even an alien or a woman, is legally capable of holding any office, unless expressly prohibited by the constitution or statutes.

Practically, women are disabled from holding many offices which even those who think them unfit for others often readily admit them to be admirably qualified for. Far the greater part of the public

school-teachers in Massachusetts are female. Male teachers are but a small fraction of the whole number. Yet we find no woman on the Board of Education or School Committees, with scarcely an exception,* or on the Board of Trustees of the State Industrial School for Girls at Lancaster. Can any one fail to see that experienced matrons, who have themselves been teachers, would be excellent official visitors, to counsel and encourage their younger sisters, who are laboring in the same arduous vocation, and to cheer and animate the pupils by their words and smiles?

No woman is to be found on the Board of State Charities, or as an Overseer of the Poor, or as a Trustee of a Lunatic Hospital. Yet the warm sympathy which women feel for the sick and poor, to say nothing of their other qualifications, would make them very useful in these positions.

Women pay no poll-tax, and are not required to serve in the militia. These are proper exemptions at the present time. When legal equality is given to the sexes, women ought to pay a poll-tax. They can never perform military duty.

The statute exempts from taxation property to the amount of $500.00, of a widow or unmarried female, and of any female minor whose father is deceased, if her whole estate not otherwise exempted from taxation does not exceed $1,000.00.

Women are not allowed to serve on juries. This may be regarded, either as an exemption or a disability. Yet it is very clear that there are cases in which women ought to be compelled to serve as jurors.

No woman can be arrested on any civil process, except for tort.

I do not propose here to discuss the great questions, whether the two sexes should pursue all branches of study together, or what is the best liberal education for females. But the inequality of the position of the two sexes in respect to educational advantages is very striking.

There are no colleges in Massachusetts open to women. They are also denied admission into medical and theological schools. Though they have the greatest zeal and aptitude for the study of medicine and theology, and become useful physicians and ministers of the gospel, yet they are obliged to qualify themselves for these professions under the greatest difficulties.

* I am happy to say that Monroe, the smallest town in the State, has enjoyed the privilege of having a lady on its School Committee for several years; and that, in 1868, Reading chose three ladies members of its School Committee. Since this tract was finished, the city of Worcester, which for population, wealth, intelligence, and culture, is one of the most important places in Massachusetts, has, in December, 1868, chosen two ladies on its School Committee.

So far I have considered the law as it relates equally to both classes of females, the married and unmarried. I now come to the law relating to married women.

To show the present state of the law on this subject, I am compelled to exhibit some of the provisions of the English common law. This is the fountain from which the law in almost all our States has sprung. This is what it was, with very little change, thirty years ago. The greater part of the States have by legislation made astonishing improvements on it since that period. The common law held the man and wife to be one person; not, to be sure, in any high spiritual sense, as the harmonious union of two souls; but as signifying, that after marriage the husband was the one person for both, and the wife nothing. So entire was the annihilation of the wife, that an old law-writer, referring to Æsop's fable, calls marriage *leonina societas*, a leonine partnership, of which the husband has all the profits, and the wife none.

By marriage, all the wife's personal property, of every description, became absolutely vested in the husband, even her clothes and jewels.

It is true that the wife's choses in action, that is, rights of action, such as debts due to her, if they were not reduced to possession by him, would, if she survived him, still be hers.

He became also the owner of all her real estate, and received the rents and profits of it, certainly during their joint lives; and, if he survived her, he retained the real estate during his life, in case they had had any child born alive.

All the earnings of the wife, as long as the union lasted, belonged to the husband.

Not being a person recognized by the law, she was absolutely incapable of making any contract. Every contract she made was null and void.

For the same reason, she could make no will, not even of the legal interest she still retained in her real estate. She could bring no action in any court for any injury to her person, her character, or her property, without her husband's consent, and joining in the suit.

The husband had the sole right to the custody of the minor children.

He had also the control and custody of her person, though bound to exercise this power in a reasonable manner. This was fully recognized, even at a very recent period in England, in a case where the wife had been confined by her husband at his lodgings. By a *habeas corpus* she was brought before the Court of Queen's Bench,

which remanded her to her husband's custody, on the ground that this was a reasonable exercise of his authority if he thought she would make an improper use of her liberty. Thus the husband is made the judge, jury, and jailer of his wife. He settles the law, tries the facts, and executes the sentence himself.

Neither husband nor wife could be witnesses for or against each other in any court.

The common law, however, did not absolutely forget the wife; for it made the husband liable for her debts contracted before marriage, and compelled him to maintain her in a manner suitable to his station and ability.

Among the wealthy, the severity of the common law in England, and to some extent in this country, has long been mitigated by marriage-settlements, which enable wives independently of their husbands, through the intervention of trustees, to have the absolute control of the income, and sometimes even of the capital of their property. We all know, too, that the great majority of English and American wives have long been placed incomparably higher in the social scale than their legal condition would indicate. But when a selfish and brutal husband, either in the higher or lower ranks, chose to exercise the tyrannical power vested in him by the law, the condition of the wife was worse, if possible, than that of a slave on a Southern plantation. He could steal her children, rob her of her earnings, and neglect to give her that maintenance which the law requires of him. Practically she often had no sufficient redress for this neglect.

The improvement in the law regulating the matrimonial relation has been so marked and rapid in almost all of the Northern and some of the Southern States, that it affords a glorious augury for the future in all that relates to woman's legal condition. In Massachusetts, the progress made is very gratifying, as is apparent from the following summary of the present law affecting married women when it is compared with the older law. Such property of women married before 1855, when the great improvement in our law was made, as had already vested in their husbands, could not be taken from the husbands; but even this class was greatly benefited by the changes in the law.

In order to present our law with greater accuracy, I shall, to a great extent, adopt the words of the General Statutes.

The property, real and personal, which any married woman now owns as her separate property; that which comes to her by descent, devise, bequest, gift, or grant; that which she acquires by her trade, business, labor, or services, carried on or performed on her separate

account, or received by her for releasing her dower by a deed executed subsequently to a conveyance of the estate of her husband; that which a woman married in this State owns at the time of her marriage, and the rents, issues, profits, and proceeds of all such property, — are, notwithstanding her marriage, her separate property, and may be used, collected, and invested by her in her own name, and are not subject to the control of her husband, or liable for his debts.

A married woman may sell and convey her separate property, enter into any contracts in reference to the same, carry on any trade or business, and perform any labor or services on her separate account, and sue and be sued in all matters having relation to her separate property, business, trade, services, labor, and earnings, as if she were sole. But no conveyance by her of shares in a corporation, or of any real property, except a lease for a term not exceeding one year, and a release of dower executed subsequently to a conveyance of the estate of her husband, is valid without his assent in writing, or his joining with her in the conveyance, or the consent of one of the judges of the Supreme, Superior, or Probate Court, granted on account of the sickness, insanity, or absence from the State, of her husband, or other good cause.

A married woman, however, who comes into this State without her husband, he never having lived with her here, has the same power of making contracts, conveying property, and bringing suits, as if she were unmarried, and the same capacity for being sued.

The provisions of the following two sections affect principally women married before June 3, 1855.

A wife abandoned by her husband, who has left the State, and does not sufficiently maintain her, or whose husband is confined in the State Prison, may be authorized by the Supreme Court to sell and receipt for her real and personal property, and any personal estate which may have come to her husband, and any which he is entitled to by reason of the marriage, and to use the property and its proceeds as if unmarried. She may also get full power to sue and be sued, as if unmarried.

The real estate and shares in any corporation standing in the name of a married woman, which were her property at the time of her marriage, or which became her property by devise, bequest, or gift of any person except her husband, are not liable to be taken on execution against her husband for any debt contracted or cause of action arising after June 3, 1855.

A married woman having separate property may be sued for any cause of action which originated against her before marriage; and

her property may be attached and taken on execution as if she were sole. The husband of a woman married in this State, after June 3, 1855, is not liable to be sued for any cause of action which originated against her before marriage; but she is liable to be sued for the same.

A married woman may make a will of her real and separate personal estate, in the same manner as if she were sole; but such will does not operate to deprive her husband of more than one half of her personal property without his consent in writing; nor can it take away his life interest in her real estate, if they have had a living child.

Where the parents of children live separate, whether divorced or not, the court can regulate the custody and maintenance of the children, and determine with which of the parents the children or any of them shall remain; "and the rights of the parents, in the absence of misconduct, shall be held to be equal."

I say nothing here of the law of divorce, so far as it appears to be equal for both parties (though the wife has the deeper interest in it); for the discussion of such a topic opens too wide a field. One provision of the law of divorce, however, is especially for the wife's benefit. She can get a divorce from bed and board, when her husband, being of sufficient ability, grossly or wantonly and cruelly refuses or neglects to provide suitable maintenance for her.*

The following provisions regarding divorce show with what an unequal eye the statute regards the two sexes in case of equal criminality: —

When a divorce is decreed on account of the wife's adultery, the husband holds her "personal estate forever," and her real estate to the same extent as if she were dead; "but the court may decree to the wife, for her subsistence, as much of her personal or real estate, or of the income thereof, as it deems necessary."

When a divorce is decreed on account of the husband's adultery, the wife becomes entitled to her dower as if he were dead, and to the immediate possession of her real estate; and the court may award her the whole or any part of the personal property that came to the husband by reason of the marriage; and in addition, if what she

* I hope I shall be pardoned for denouncing in a note all divorces from bed and board, as apt devices for encouraging licentiousness. Every divorce should be from the bonds of matrimony; and every cause for a legal separation should be enough to secure such a divorce. Neither men nor women should be legally separated from their spouses, and at the same time refused the power of forming new legal marriages. Where they cannot do it, they too frequently enter into marriages which the law pronounces illegal, or form still more degrading connections.

thus receives is insufficient for the suitable maintenance and support of herself and such children of the marriage as are committed to her custody, the court may further decree her such part of the husband's personal estate, and such alimony out of his estate, as it deems just and reasonable.

I shall say nothing as to the proper treatment of the guilty party in cases of this kind. But mark how severely the statute deals with the woman, how leniently with the man. She, when he is guilty, gets a life-estate in one-third of his real estate; he, when she is guilty, gets possession of all her real estate, subject, it is true, to such part as the court may decree her. She, if guilty, forfeits to him all her personal property, though the court may decree her an allowance out of it; he, if guilty, forfeits nothing to her, though the court may make a decree giving her a part of his estate. In short, she, if guilty, can, under the most favorable circumstances, retain only a naked subsistence out of her property; while he, if guilty, may still retain the bulk of his wealth, and live in affluence.

Many persons imagine that our laws have already done every thing necessary to remove the legal incapacity of married women. But a little examination will show, that, much as has been done, much still remains to do, and that the feudal system still blights the marriage relation.

Though a married woman may enter into any contracts in reference to her separate property, carry on any trade, &c., and sue and be sued in all matters having relation to her separate property, &c., yet she still moves in fetters. She can make no contract, and bring no suit, unless it has a relation to her separate property and business. She cannot borrow money, or make a note or a contract for the purchase of any thing, unless for the purposes of her trade or business. Her husband's consent would not give her capacity. He could bind himself for her. She cannot bind herself as surety for any purpose. She cannot bring a suit for any injury to her person or her character. When husband and wife jar, and live separate, this is sometimes a serious evil, if he is not willing to join with her in an action.

This incapacity of wives to contract is occasionally abused for fraudulent purposes. Married women, having property, sometimes refuse to pay for purchases they have made, and cannot be compelled to pay, because the articles are not bought to be used about their property, or in their trade or business.

The common law still appears to prevail, which makes the husband liable for any actionable wrong done by the wife.

A wife, as we have seen, cannot convey real estate, or shares in a corporation, without her husband's assent in writing, or joining in the conveyance.

I object entirely to this interfering with the free action of wives, as if they were children. The provision probably was intended in good faith for the protection of married women. But it is entirely opposed to the principle of the statute, which is, that a person who is competent before marriage to take charge of her property is not less competent afterwards. A woman who is happily married can always have her husband's advice when she needs it if he is present. But when a woman's husband is absent, whether he has deserted her or not, or when from any cause she does not wish to ask his consent or advice, why should she be compelled to ask it any more than if she were his mother, daughter, or sister? Nothing can be plainer than that this perpetual tutelage of married women tends to weaken all their powers of judgment and action, to make them children by treating them as such.

Cases illustrative of the inconvenience and annoyance occasioned by this provision of the law have sometimes fallen under my notice. I mention one. A woman, who had left her husband on account of his ill treatment of her, had a daughter, the fruit of a previous marriage. She had a little money, which she wished to secure to her daughter in case of her death. How could she, in that contingency, prevent it from becoming her husband's? If she invested in personal property, she could not by will, if he survived her, prevent his getting one-half. She determined to buy real estate, to which he would have no claim, as they had had no children. But here another difficulty occurred: she would have to mortgage the estate for a part of the price, and she knew her husband would never consent to sign the mortgage.

Another example of the serious inconvenience occasioned by the present state of the law occurs to me. A married woman owns shares in a bank or railroad company which she wishes to sell; but her husband may have deserted her, or may be in a foreign country, or may be incapacitated by disease, or may unreasonably refuse his consent to her selling. Then the poor wife is driven to the delay, vexation, and expense of legal proceedings to get authority to sell from a judge. This is no rare or imaginary evil, but one of real and common occurrence.

The unequal condition of the wife and the husband is apparent in case of the death of either. If the wife die, leaving no will, the husband has the whole of her personal property, and, if they have had a living child, her real estate during his life. If she die

intestate, leaving no kindred, he takes her real estate in fee. By will, as before stated, she may deprive her husband of one-half of her personal property.

If the husband die without a will, but leaving issue, the wife is entitled to one-third of his personal property absolutely, and her dower, which is a life interest in one-third of all the real estate of which he had been seized during his life. Whether he leaves a will or not, she is always entitled to such an allowance from his estate as the Probate Court, having regard to all the circumstances of the case, may allow as necessaries for herself and the family under her care, besides the use of his house and furniture, and sufficient provisions and other articles for the reasonable sustenance of his family for forty days. This provision for widows, where the estate of the deceased is small or insolvent, as is generally the case, is often very important. If the husband leave a will, and his widow waive the provisions of it, she has the same legal rights as if he died intestate, provided, that if her third of the personal estate exceed $10,000, she takes $10,000 and is only entitled to the income of the rest of her third for life.

When a man dies intestate, leaving no issue, the widow is entitled for life to one-half the real estate of which he was seized at the time of his death; and to the whole of his personal property to the amount of five thousand dollars, and to one-half the excess of it over ten thousand dollars; and, if he leave no kindred whatever, then she inherits absolutely his whole property, real and personal.

The provisions just stated are much in advance of the old law, which allowed the husband to will all his personal property away, without leaving any thing to his widow, even if it all had belonged to her before marriage. The inequality between the husband and wife, however, is still manifest. Why should they not be equal? The wife usually needs the husband's property more than he needs hers. And if the one who dies leave children, those children are as much entitled to a share of the property left whether they have lost a father or mother.

If a man or woman, at the time of marriage, has a large property which it is desired to take out of the general law, it can be done by a marriage-settlement. But, where there is no settlement, the husband and wife, in case of the death of either, ought to have equal claims on the property of the deceased.

One provision for widows deserves mention. If the husband gains a homestead right, — that is, a right to have the estate on which he resides, to the extent of eight hundred dollars, free from

all liability for his debts, — his widow retains the estate, with the same right, till she dies, or marries again.

If a son or daughter of full age die intestate, leaving no issue, the father inherits all the property of the deceased, to the exclusion of the mother, sisters, and brothers. In case, however, the father be dead, the property is divided equally between the mother and the surviving brothers and sisters. The theory of the law of inheritance is, to give the intestate's property to those to whom in a majority of cases he would be likely to leave it. Now, every one knows, that nineteen persons out of twenty, dying without leaving issue, would desire a part, at least, of their property to go to their mothers. Yet the law violates this principle in favor of the obsolescent notion of the person of the wife being absorbed in the husband. As long as the wife was incapable of owning personal property, the law was consistent; for it would have been a mere farce to give her property as a mother, which, as soon as it vested in her, would become her husband's. Now that she is capable, the law should regard her as a person in all relations.

By the common law, if an unmarried woman who is an executrix, administratrix, or guardian marry, her powers in that capacity devolve on her husband. But by statute in Massachusetts, in such case not only do her functions cease, but they are not devolved on her husband, and a new person has to be appointed in her place. By the English law, too, a married woman could, with her husband's consent, accept the office of executrix or administratrix. He, however, would act for her. The law, as administered in Massachusetts, is more unfavorable for married women. Here a wife who is appointed executrix or trustee by will is not allowed to act as such, nor can she be an administratrix or guardian under any circumstances.

The wishes of friends who have confidence in their married female relations are often frustrated by the absurd provisions of our law. A man seeks to make a married sister executrix of his will, or, having lost his wife, desires his sister to be guardian of his children. But he cannot do it, though a maid or a widow is abundantly competent for such trusts. A woman who marries a second time not only cannot be guardian of her own children by the first marriage, but she cannot claim even the custody of their persons or the care of their education. I copy the statute provision, which seems to me nothing less than atrocious : —

" The guardian of a minor shall have the custody and tuition of his ward, and the care and management of all his estate. But the father of the minor if living, and in case of his death the mother

while she remains unmarried, they being respectively competent to transact their own business, shall be entitled to the custody of the person of the minor, and the care of his education."

A husband is always entitled to administration on his wife's estate; but the Probate Court may grant administration of the husband's to his widow, next of kin, or both.

A father may appoint a testamentary guardian to his minor children: a widow cannot by will appoint a guardian to hers.

The Supreme Court decided that a husband, under the new law, could not form a business partnership with his wife. The legislature has since ordered that no married woman should carry on business in partnership with any one; thus taking a backward step.

Another remnant of the old law requires notice. A husband could not make a deed of land to his wife, on account of her not being a person. Now she has personal rights. But the courts in Massachusetts still adhere to the old law. This leads, when the husband wishes to give real estate to his wife, to the clumsy device of his conveying the estate to a third person, who immediately conveys the same estate to the wife.

The present state of the law, as it bears on the marriage relation, is chaotic and inconsistent. We have abandoned the old theory of the common law, which regarded every married woman as incompetent to take charge of her own person and property, and placed her in perpetual tutelage to her husband, as if she were a *non compos* or a child. But yet the statutes have only partially endowed her with competency, leaving her free movement impeded at every step.

The only remedy for this state of things is to create perfect equality in every respect between husband and wife. Let her have the same charge of her person that he has of his, the same independent right to her property that he has of his. Let her have the same legal right of making contracts, and doing all acts, that he has, and that all maids and widows have. Let his independence be the measure of hers. When either dies, let the claims of the survivor on the estate of the deceased be the same.

So, in regard to suffrage and every other right and privilege of men, let women be made equal.

The great difficulty to be overcome in effecting the complete emancipation of women is, not that most men are unwilling to do complete justice to the sex, or that the majority of women care nothing for this object; but it is simply a superstitious dread lest a change so radical should unsettle all the foundations of society, and bring down the whole fabric in ruins. The history of the

great legal reforms which have been accomplished in our generation shows how idle is this fear. We need never doubt the practical operation of a great reform in a community like ours, where it is based on a sound principle. Two great rules of evidence pervaded the common law: the first, that no person could be a witness in his own case; the second, that no person having a pecuniary interest in the result of a suit, be it ever so small, could be a witness for the party whose success would benefit him. The soundness and importance of these rules were acknowledged by bench and bar. They were, however, assailed with overwhelming logic by Bentham and his followers. The result we see. Within a few years, both rules have been very generally abrogated. Now, a person can be a witness for himself, and any one interested in his favor can also be a witness for him in any civil suit; and a person charged with crime can testify in his own favor. Even a woman can now testify for or against her husband, and he for or against her. Though it was predicted that great evils would flow from these changes, it is certain that truth and justice have been wonderfully promoted by them.

So the great and fundamental changes already stated, which have recently been made in regard to the laws affecting married women, violently as they were resisted, are now, as is admitted by many of their former opponents, producing an amount of good which it is difficult to over-estimate, and no evil.

The next step which is to relieve woman from all remains of feudal oppression, and restore her to the equality with man with which nature endowed her, is far less difficult than the one already taken.

When men and women are made equals in the eye of the law, and not before, shall we complete the foundations of a just commonwealth, which were laid by the Puritans, and strengthened by the Declaration of Independence. Then we may hope, by the united action of both sexes, to regenerate the republic, and make it an example for the world and future ages. The experiment of a republic based on equal rights can never be fairly tried while one-half of the adult population remains an inferior caste, with no voice in the government.

THE NEW ENGLAND

Woman's Suffrage Association.

CONSTITUTION.

1. Believing in the natural equality of the two sexes, and that women ought to enjoy the same legal rights and privileges as men; that as long as women are denied the elective franchise they suffer a great wrong, and society a deep and incalculable injury; the undersigned agree to unite in an Association to be called, — "THE NEW ENGLAND WOMAN'S SUFFRAGE ASSOCIATION."

2. The object of this Association shall be to procure the right of suffrage for women, and to effect such changes in the law as shall place women in all respects on an equal legal footing with men.

3. The officers of the Society shall be a President, Vice Presidents, a Treasurer, a Corresponding and a Recording Secretary, and an Executive Committee of not exceeding fifteen persons, besides the President, Secretaries and Treasurer, who shall be members *ex officio*. All the officers shall be chosen at the annual meeting, to continue

in office for one year, and until others are chosen in their places.

4. Any person may be a member of the Association, by the payment of an annual contribution to its funds, or a life member by the payment of Twenty Dollars.

5. The President shall preside at all meetings of the Society, or in his or her absence the senior Vice President.

6. The Treasurer shall collect and take charge of the funds, make all payments, and keep regular accounts, to be audited by the Executive Committee.

7. The Recording Secretary shall keep the records; and the Corresponding Secretary shall conduct the correspondence of the Association.

8. The Executive Committee shall manage the business of the Association, may elect honorary members, call meetings of the Society, prepare petitions to the legislature, issue publications, and employ lecturers and agents, and take any measures they think fit to forward the objects of the Association, and may fill all vacancies that occur prior to the annual meeting.

9. The annual meeting of the Association shall be held on such day in the last week in May, in Boston, and at such hour and place, and be called in such manner, as the Executive Committee may appoint.

OFFICERS.

PRESIDENT.

JULIA WARD HOWE, Boston.

VICE PRESIDENTS.

William Lloyd Garrison, Boston.
Paulina W. Davis, Providence, R.I.
James Freeman Clarke, Boston.
Sarah Shaw Russell, Boston.
John Neal, Portland, Me.
Lucy Goddard, Boston.
Samuel E. Sewall, Melrose.
Lidian Emerson, Concord.
John Hooker, Hartford, Ct.
Mrs. John Hooker, Hartford, Ct.
Harriot K. Hunt, Boston.
James Hutchinson, Jr., West Randolph, Vt.
Armenia S. White, Concord, N.H.
Louisa M. Alcott, Concord.
L. Maria Child, Wayland.
John Weiss, Watertown.

CORRESPONDING SECRETARY.

SARA CLARK, Boston.

RECORDING SECRETARY.

CHARLES K. WHIPPLE, Boston.

TREASURER.

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WOMAN'S SUFFRAGE TRACTS. NO. 6.

WOMAN'S RIGHT

AND

THE PUBLIC WELFARE.

REMARKS OF

HON. GEORGE F. HOAR,

BEFORE A

JOINT SPECIAL COMMITTEE OF THE MASSACHUSETTS LEGISLATURE,

APRIL 14, 1869.

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WOMAN'S RIGHT AND THE PUBLIC WELFARE.

I AM unfortunate, Mr. Chairman and gentlemen, that I have to address a committee to whom this subject has lately been presented, not only by the most brilliant orator of the country, but by her who is, by common confession, the ablest advocate of the cause for which she is herself an embodied argument. I have not heard them, and so cannot even tell what topics to omit. But as I have been several times invited by the committee who have this matter in charge to state my views, although I am not vain enough to suppose I can present to you any new arguments, coming as I do from other studies, I thought I ought at least to come here and show my colors.

This age is remarkable for the dispassionate discussion on principle of the great fundamental laws which lie at the bottom of all human society. We have just gone through a struggle which has ended in emancipating, and giving the right of suffrage to, a race. And now, instantly, there comes upon us a renewed consideration of the rightfulness of excluding, by the whole material forces of the government, a little more than one-half of our population.

I suppose this is always so. An individual cannot subject one action to the test of duty, without, from that time forward, finding it difficult to escape the application of the same test to other questions of life. Take any man who has been educated frivolously, thoughtlessly, who has fallen into bad habits, and let there come to him, in a time when he is to act in some important matter, the question, Is it right? and let him experience the luxury of obedience to the law of duty, and, from that time forward, he can govern himself easily and comfortably by no other law. And so, when our fathers began their struggle with England by discussing simply the limitations of parliamentary power, they ended by the immortal

declarations of human rights contained in the opening clauses of the Declaration of Independence. In England, to-day, the party which has just come into power by extending the rights of suffrage to the laboring classes commits itself, as its first public measure, to the enfranchisement, voluntarily, and because it is right, of the people of Ireland from the dominion of an alien and aristocratic church. And therefore it is a fitting sequel to the victory which we have just achieved in this country, that we should turn our attention to the question that is before us to-day. As I have said, a little more than one-half of the population of this Commonwealth is excluded from all share in its government, — kept out by the whole force of the national power. That this is just has been taken for granted, without reflection, by the large majority of all mankind in all ages; or, rather, let me say, that the large majority of all mankind and all ages have established their forms of government without considering the question whether it was right or not. Certainly no graver question than this can present itself to the statesmen of this Commonwealth. It is to be discussed dispassionately, and without heat.

Now, in turning in my own mind what I ought to say to you here to-day, I have failed to think of a single reason which I can give why you or I should have the right of suffrage which does not include women; and I think I may safely challenge any human being to come forward, and state why it is that I am permitted to cast my vote, — to give any general rule which shall define the qualities or capacities or interests which should entitle a person to have a share in the administration of the government, from which women are excluded. I shall assume, as the foundation of my argument, that you believe that every man has this right. I am speaking to the representatives, to the statesmen, of a people who believe that. The framers of our government, Mr. Chairman, understood perfectly the principles of constitutional liberty; but they did what you often see done by the inventor of a new machine, a new principle in mechanism. The idea dawns upon the inventor; he turns it over in his mind until he sees the truth of his newly-discovered principle, the capacity of his newly-discovered force. That he understands and sees clearly. But when he comes to put his machine into actual operation, and to adjust the details of its mechanism, it very often takes the experience and the labor of years to bring to perfection the conception of the workman's brain. Not because there is any error in his principle, but because the mechanism in its details, which he at first tries, is not adjusted, is

not consistent with the principle, and is not symmetrical or harmonious in all its parts. Now, that is precisely what the framers of our Constitution did in regard to the principle of human government. They state in the Bill of Rights a series of comprehensive fundamental principles, no one of which, as far as I am aware, has ever been disputed by anybody from the time of the organization of the Constitution until to-day. There have been changes made, — changes in the details, in the mechanism, of our government. The framers themselves expected these, and provided a simple and convenient method of revising and altering the Constitution. But in the statement of fundamental principles laid down in the Bill of Rights, so far as I have read the history of this Commonwealth, no living person, no person who has lived under them, ever has attempted to make a change. Now, in regard to this matter of the principle which our fathers, using the pen of John Adams, announced as the rightful principle governing us in the adjustment of the government, it is this. They state, let me first observe, in one of the sentences of the Bill of Rights — not that they did not expect that the details would be frequently changed, for, as I said before, they provided a method for a convenient and easy change from time to time — but they state, "A frequent recurrence to these fundamental principles of the Constitution is absolutely necessary to preserve the advantages of liberty, and to maintain a free government. The people ought, consequently, to have particular attention to all these principles, and to require of their lawgivers and magistrates an exact and constant observance of them." Now, what do they say as a principle, in the ninth article of the Bill of Rights? "All the inhabitants of this Commonwealth, having such qualifications as they [that is, all the inhabitants] shall establish, have an equal right to elect officers, and to be elected to public employment. Each individual of this society has a right to be protected by it in the enjoyment of his life, liberty, and property, according to standing laws. He is consequently to contribute his share to the expense of this protection; and no part of the property of any individual can with justice be taken from him, or applied to public uses, without his own consent, or that of the representative body of the people." They say also, as another principle, that "No man, or corporation or association of men, have any right to obtain advantages, or particular and exclusive privileges, distinct from those of the whole community;" and that "the idea of a man being born a magistrate, lawgiver, or judge, is absurd and unnatural." That is the principle; every inhabitant of the Commonwealth has a

right to an equal share in its government. Every inhabitant of this Commonwealth, bound to contribute his or her share to its protection, cannot have his or her property taken away, except by leave. And no man or association of men, whether it be one man or a body of men, have a right to exclusive advantages distinct from those of the entire community. Now, how did our fathers carry out this principle? Let us see. All the inhabitants having an equal right to be eligible to office, no person shall be a senator who is not seized of a freehold in this Commonwealth of the value of two hundred pounds at least, or possessed of personal estate to the value of six hundred pounds. In regard to the election to the House of Representatives (every inhabitant having this equal right as a matter of principle), every male person only, being twenty-one years of age, having a freehold or estate within the town of an annual income of three pounds, shall have a right to vote for representative of said town. No person shall be eligible to the office of governor, unless he shall at the same time be seized of a freehold of the value of one thousand pounds. Having declared this principle fundamental, absolute, that every inhabitant is entitled to an equal share in the administration of the government, they proceed to say that such inhabitant shall only be elected governor if a male person, and possessed of a freehold of a thousand pounds. One generation has stricken out the latter inconsistency, and has so far perfected the machine. Now the question is, what we will do with the other. We are here to say that this declaration of John Adams is not a lie, and that the fundamental principle of the Constitution is right, and the rule and detail of its administration is wrong.

Now, Mr. Chairman, we admit frankly that woman differs from man. Is the difference such as affects her qualification for the vote? Is the difference such as affects her need of the vote? Is the difference such as affects the public's need of her vote? The answer to these three questions exhausts this argument.

What ought the voter to have to entitle him or her to this prerogative? Three things, it seems to me, are essential, and three things only. The voter should have, in the first place, a desire for the public welfare; he should have, in the second place, the capacity to judge of the character of the persons proposed as candidates for public office; he should have, in the third place, the capacity to judge of the effects of proposed measures. I can think of no other test. I have never seen stated by jurist, philosopher, or statesman, any other test, any other requisite or essential, but

these three, — love of country, capacity to select its servants, capacity to appreciate its necessities. These make up, it seems to me, the right to share in its administration. Now, I admit, if we could be quite sure that any class in the community lacked either of these, we should claim the right for the State to exclude it from its administration. We are quite sure that infants have not the two last; and therefore, drawing a line which from the nature of the case must be more or less arbitrary, we exclude them from a share in the government. We have thought, we were quite sure, that citizens of foreign countries could not have that supreme devotion to the interests of ours which would make them willing to live, and, if need be, die, for her service. And so we have claimed the right to impose upon them a term of probation before admitting them to this exalted prerogative. But which of these essentials does woman not possess? In the first place, the desire for the public welfare. Does she not love every thing that is best for the State? She loves peace, she loves quiet, she loves order, she loves the security of the home, she loves and appreciates the principle which distinguishes a republican from an imperial government. The most valuable distinction between this government and most others upon earth in its theory that I know of, is this: that whereas other governments make it their ambition to create national strength, run a career of glory, a brilliant military career, to press with an iron heel upon the weak, and encounter with iron front the strong, the republic seeks and finds its success in the multiplication of happy homes, in the development of individual character, and, to use the simple phrase of the Declaration, in the pursuit of happiness.

I believe that woman will bring to the administration of the State an earnest desire for this, in which the public welfare, on the true American theory, consists. I do not think that it will be claimed by anybody, that our sisters or wives will fall behind us in this first essential requisite to a share in the control of the State, — desire for its welfare. Cannot she equal us in love and devotion to the State who surpasses us in capacity for love and devotion wherever she is permitted to indulge them? Man chiefly values the objects of his affection for the dignity, the comfort, and the happiness they are capable of conferring upon him: woman values herself for the dignity, the comfort, and the happiness she is capable of bestowing on the objects of her affection.

In the next place comes the capacity to judge of character. We all know that that is woman's instinct. If there is any one thing

in which woman may claim to be our superior, it is, that when she sees a person who asks for her confidence or ours, and we are reasoning about it, and speculating about it, the infallible and unerring instinct of the woman gets at the truth. How many times every man who has put his confidence in somebody, and suffers by it, remembers too late the warning that he had received at home!

Now, in the third place, the capacity to judge of the effects of proposed measures. Is it not true, Mr. Chairman, as a matter of fact, that wherever woman has been permitted to appear in the sphere of public life, she has proved herself, in this essential particular, fully equal to the average of men in the same position? Since the Reformation in England, there have been three queens regnant, who have come to the throne by inheritance, — Queen Elizabeth, Queen Anne, and Queen Victoria, — the worst of whom has been fully the equal of any king that has in the same time inherited the English throne, and the other two immeasurably the superior. In the list of great names of the sovereigns of Europe, few in number, there are none brighter than those of Isabella of Spain, Maria Theresa, and Queen Victoria. Then, wherever woman has appeared in the sphere of politics, either as responsible director or as counsellor and companion of man, has not her duty been well performed? In that mighty parliamentary struggle, one of the most interesting chapters in English history, in which, at the age of twenty-four, the genius of the younger Pitt overcame a hostile majority in the House of Commons, and, what was perhaps a more formidable obstacle, the combined antagonism of Burke and Fox and Sheridan, his chief confidant and counsellor was his mother.

Just think, Mr. Chairman, in considering this question of the capacity of woman, of the education which she has had in the duties to which we have confined and consigned her. Do you think, if you had spent your whole life in rocking the cradle and darning stockings, that you would contribute as much as you do now to the administration of the State? I undertake to say that no man whose experience has enabled him to see women who have had an education which has tended to develop their faculties equally with those of men will deny that, in the kind of mental power essential to the administration of the affairs of the State, they have proved themselves fully equal to men. In the studies which require the reasoning powers, the mathematical faculties, woman has often proved herself superior to most men. In the town where I was born and educated, and where we had pretty good schools and pretty good scholars, the girls were always at the head of the classes. My

friend who has preceded me [James Freeman Clarke], and my friend who sits on the committee [A. G. Fay of Concord], perhaps could tell you something of a lady who fitted me for college, of whom it was said by the late President Everett that she could fill any professorship in Harvard College. Under her tuition, the university used to place students who were suspended for a time; and she kept them up with their classes in every study, doing a work which would have been divided among a dozen male teachers in the College. She was one of the few persons in this country who are said to have read the "Mécanique Celeste" in the original, without the assistance of the translation of Dr. Bowditch; a Greek and Latin scholar to whose studies Æschylus and Homer and Virgil were familiar; well acquainted, too, with the languages and literatures of modern Europe; who could tell naturalists, like Tuckerman and Gray, some things about their own studies which they were glad to hear. Yet that instructed brain, that could have taught the best railroad engineer the most difficult principles of his art, could not be permitted in Concord to express a choice for the highway-surveyor who should mend the road past her door! The woman to whose teaching some of the best intellects in the State owed their best accomplishments could not be trusted to attend a town meeting to aid in the selection of a committee-man for the district school to which her grandchild was sent!

Does the difference between man and woman affect her need of the ballot? Now, I do not propose to go over this ground fully. You all know how very unequal the laws have been and still remain, though much improved, regarding the right of husband and wife. The husband still retains the control of his wife's person absolutely as the brutality of the common law ever gave it to him. He can give away all the property which is the proceeds of the joint earnings of both; he can give away his own property from her; while she cannot give away her shares in corporations, or interest in land, without his consent. It used to be said, when we were proposing a man of large property for office, "He has a stake in the country." But what stake in the country is like that which a mother has in her child? But it is said politics is not a woman's business. I do not suppose it is a woman's business. Politics is not anybody's business in this country. It is not a clergyman's business; but you give a clergyman a vote. Politics is not the physician's business; but he is none the worse citizen for that. Politics is not the mechanic's business; but it is the power by which he is enabled to prosecute his business, and to make it safe and

profitable and free. Now, if you give me the ballot to protect my business, to secure just laws and efficient administration of them, that my counting-room or my office may be safe from the burglar, shall not woman have a right to protect her child, to protect her business of educating a citizen and a voter, from the rumseller or tempter, in any form which is proper? Shall she not protect her property from being unjustly taxed? Shall not the eighty per cent of the teachers of our schools who are women be entitled, when they become wives and mothers, to a share in the administration of the school-system which they know infinitely more about than their husbands or their brothers? Shall she not have something to say about an equality of wages between the two sexes? We all know, that, for precisely the same result, the woman gets her $400 or $500 a year, while her brother gets his $800 or $1000 a year. Now, if you put the ballot into the hands of women, that injustice will be remedied. You got your ten-hour law soon enough, or your ten-hour system without legislation soon enough, when the workingman asked for it with the ballot in his hands; and you will get full compensation for woman when she demands it by the same power.

Then, Mr. Chairman, it seems to me also that society needs that woman should have the ballot. Not only is she capable of it, not only does she need it, but it needs her. This has been said here already better than I can say it. I believe that this thing is true — that, wherever any law is to apply over the largest amount of population, to apply to the largest number of possible instances, the simple natural law generally prevails, and the disturbing forces disappear. The statistics which you will recollect Mr. Buckle collects in one of his volumes, and which he calls to the aid of a vicious and unsound theory, contain statements which are true. The question whether you will drop a letter into the post-office this morning without directing it depends upon the purest accident in the world. But, in the kingdom of Great Britain, the number of persons who will do that year by year, will vary with the population. The question whether a single individual in Paris will commit suicide seems to depend on his temperament, the accidents of his life, or his course in life. But, throughout the French empire, the number of suicides rises and falls with the price of wheat; and so, in this matter of government, the simple law is that the interests of the nation will be the governing motive in the administration of the government. Now, you give the government to one man, and the disturbing cause, personal ambition or want

of capacity, comes in, and you do not get your good government. You give it to twenty men, and you have got twenty interests to control this disturbing cause. Still, these twenty will be liable to have some prejudices and some interests unlike each other; and the larger number you get, the less likely the disturbing causes are to operate, and the more likely to control one another. You add one hundred per cent to the voting population of this country, and you decrease the disturbing forces operating to overcome the simple law of the interests of the nation, which should direct and control its government. You make it harder to buy up voters to corrupt a community. The passion on one side is neutralized by the passion on the other. The rogues do not predominate, because rogues do not agree. One rogue may have one motive of a selfish nature, and another has a different one. I think in this case, Mr. Chairman, the truth of this has been seen in your own experience, when, as the suffrage has extended in this Commonwealth, where it is as extensive as anywhere in the world, public measures have been discussed and decided more and more on the principle of right and wrong, and less and less on other grounds. Do you now hear what you used formerly to hear on our platforms and in our caucuses, an appeal to the prejudices of one class against another, attempts to excite contempt and derision toward poverty or ignorance, or jealousy and envy toward wealth and education? There are exceptions, of course; but the questions which are asked to-day on our political platforms as to the measure which comes there for discussion are Is it right? is it just? is it humane? and no speaker touches a public audience better than the one who appeals to the best, purest, and highest motives in our nature. We need woman for this reason. We need her also to give variety to the interests, to the characters, which are to take a part in the administration of the government. There were two lines of Pope which John Adams loved to quote, which expressed this idea: —

> "Jarring interests, of themselves, create
> The according music of a well-tuned state."

We want woman for that also. And we want the special qualities which woman will bring, which are hers alone. We want her modesty, we want her love and her purity, to help us determine all questions which affect the good order of society, the regulation of the public morals. We want her love of peace to deal with questions where the angry masculine passions are excited, which would

urge the nation into war. So I say, that not only does woman need the ballot, but she is fit for the ballot; and we ask for the change on the ground that society needs that she should have the ballot.

There are two or three objections which I shall ask permission to refer to in this connection. It is said, if a woman votes, of course she must be elected to office; and a great deal of very good wit is expended in holding up to ridicule the incongruity of the duties of the nursery and the bench or the senate-house. Now, I do not understand that the right to vote implies the right to be elected to office. The right to vote implies exactly this: that a voter shall be elected to such office as his business will permit him to discharge the duties of, and his fellow-citizens think he is more capable of than anybody else; and it is not at all likely, because women are elected to office, that women with families demanding their attention at home will be called to preside over the deliberations of our supreme courts, or to lead armies in the field, although, for that matter, when slavery demanded its pound of flesh which was secured to it by our national compact, I think we should have preferred the ruling of Portia to that of Taney. [Laughter.] Perhaps, also, Joan of Arc might have given a few wholesome lessons in generalship even to Gen. McClellan. [Renewed laughter.]

Then it is said, and this applies to that also, that the home duties of women would be neglected. We should expect of our public servants only such attendance to politics as is compatible with such duties. I think you did your duties at home, Mr. Chairman, before you came here, and do not come here unless you can do so consistently with those duties.

Then it is said that the giving of this power to women would create discord in families; that husbands would be found of one political creed, and the wife of another; and an angry, bitter strife, which grows up between neighbors sometimes in this way, would grow up in the family circle. Now, we all know how this thing would work. The husband and wife would be found ordinarily agreeing in political opinions. Brothers, men of the same family, are generally found to belong to the same political party. That community of tastes and similarity of education, that love of the same common objects, which induces the husband to select one woman for his wife, and induces the woman to take him for a husband, will operate in this matter, as in all others. You do not deny your wife the right to her own opinion about matters of religious belief, about which men differ fiercely; and I suppose the cases are rare where the husband is found belonging to one reli-

gious faith, and the wife to another. Still, such cases are frequent enough to show that it creates no discord in the family circle. But, on the contrary, it seems to me that the admission of the wife to a share in what in a free republic must be the most interesting, the most sacred, and the most absorbing of the husband's interests and pursuits, will in itself unite a family. What a comfort to be able to find at home a trusting, sympathizing counsellor, from whom one-half of your heart shall not be hid! What a comfort to be able to consult with her, with whom you consult about your own interests and the interests of your children, about the interests of the State, dearer to you than your own interests or those of your children! I remember Robert Browning says,—

> "God be thanked! the meanest of his creatures
> Boasts two soul sides; one to face the world with,
> One to show a woman when he loves her."

And Walter Scott said, when Lady Scott died, "What shall I do with that part of my heart which I have been accustomed to show to her, and to nobody else?"

This will tend to enlarge that sacred and tender domain in the husband's heart to which the wife is admitted. It will tend to throw about the national interests a sacredness and tenderness which is associated now only with those of the family. Now the wife has no interest or share in the highest duty of her husband.

It is also said that woman does not ask for the ballot. I thought she did ask for it. I thought the petitions on your table showed that many women asked for it. Certainly this argument cannot be applicable to them. In regard to all women, this argument, which is the one most urged in private and in public, must, it seems to me, stand or fall with the others. If what we have said be true, if it be true that woman is capable of exercising this duty, if it be true that she needs this right, if it be true that the best interests of society require that she should have it, — and, if it is not true, we have nothing to say, because our whole case must fall, — if this be true, then it is the gravest charge that can be made against your existing institutions that she does not ask for it. You do me a great wrong if you deprive me of my vote: you do me a greater wrong, if you deprive me of my wish for my vote. If God has given to woman the love of country, it is her right to indulge that love by laboring for its advancement. If he has given her the capacity to judge of the public weal, it is her right and duty to exercise that judgment; and she is criminal, and you are accomplices in her crime, if you

permit her, even if she will, to refrain from the performance of that duty, and the development of that faculty.

Then it is said, Mr. Chairman, that we seek to expose the State to an incalculable peril; that there is a danger that the ignorant and depraved women will outvote the others. It is the old story. There has not been a step in the history of civil liberty, of human effort, or human education, that we have not been met — that friends of progress have not been met — with that precise argument. You cannot give men the suffrage because the men of the Five Points, or the thieves, or the scoundrels, will outnumber the honest men in voting. You cannot give men light, you cannot teach men to read, because they will read bad books. You cannot allow men to think for themselves, because the tendency to infidelity will develop itself. It is the old story. Now, the ignorant and depraved women bear no greater proportion to the whole of their sex than the ignorant and depraved men do to theirs; yet the experiment of universal suffrage, as applied to our sex, is a complete success. No, Mr. Chairman: the safety of freedom is in movement. I remember a Democratic orator, some few years ago, compared this nation to the Wandering Jew, and said our destiny was, to "March, march, march." Where Gen. Cushing would have had us march to may be somewhat questionable; but there was a profound truth embodied in the statement, that the safety of freedom is in constant movement. The moment you place in a reservoir or a cistern the waters of liberty, that moment they become stagnant and offensive. The love of liberty is a perpetual fountain, which must run free, and will not stay. The safest place for the hero is in the thickest of the fight. What is animal in him will be safer where his soul will rust in ease and security; but that which makes him a hero is safe, the heroism in him burns and glows, when the body and the life are in danger. So the safest place for the nation is when it is on the move in the pursuit of justice. Did you ever hear, or read in history, of a nation perishing from within when it was struggling to do justice and to do right? Now, I say, Mr. Chairman, if there is any truth, either in the lessons of history or the teachings of religion, you cannot put this nation in peril, or this Commonwealth in peril, by any measure you adopt when you are trying to do justice.

Then it is said that women will be unwilling to go to the polls in cities; that the places are not fit for their presence. I think that also is the old argument. You could not admit women to the banquering-hall of the German nations to which Mr. Clarke has re

ferred, where there were scenes of revelry and drunkenness. But after the time that women were admitted to the dinner-table, and took its head, the license, the drunkenness, the revelry, disappeared; and in their stead came the festival of the New-England or the English home, graced and refined and purified by her presence. I have seen a great many mean men in my time; but I never yet saw a man mean enough to insult a woman at the polls. And if there were such, I think that would be an argument for excluding the male sex from the franchise, and not the other. [Laughter.] Do you believe that the merchants of New York, the Grinnells and the Astors, would allow the voting to go on in that city just as it does now, and that men would cast their votes in beer-shops, or through a hole in a shutter, if their wives had a share in the elective franchise? It seems to me that it would purify the ballot, and not degrade woman. What comes to woman from without cannot defile her.

Mr. Chairman, we are just on the threshold of constitutional liberty. These last eighty years, crowded with history, crowded with stirring events, full of growth as they have been, how short they are compared with the future to which we are looking forward! The life of a man, a generation, the terms of presidential office — they are but the pulsations of an artery in this mighty national life! And we must not think that we have learned the whole secret of government, or have explored all the treasures which liberty has to bestow upon us. I have always been touched with the familiar sentences, known by heart, I dare say, to almost every one within the sound of my voice, which John Robinson uttered to the departing Pilgrims on the beach at Leyden —

"We are now ere long to part asunder, and the Lord knoweth whether we are ever to see each other's faces again. I charge you, before God and his blessed angels, to follow me no longer than I have followed Christ. If God shall reveal any thing to you by any other instrument, be as ready to receive it as you have been to receive any truth by my ministry. I am very confident that the Lord has more truth and light to break forth out of his Holy Word."

That sentence, Mr. Chairman, is the key-note of New-England history. "More truth and more light!" More truth is to break out of nature. The new powers of galvanism and electricity, the new adaptations of the mechanical forces, I believe, are to raise up the laborer; so that it will be the fate of no man, in the republic that is to come, to do mere drudgery. Why, already, within the memory

of living men, there has been created a power through the invention of steam-engines, which gives to the people of England to-day a force in their service equal to the entire population of the globe. The work of eight hundred millions of men is accomplished by the machines worked by the forces of steam to-day. More truth and light are to break out of revelation. Instead of the hard texts of the Old Testament, or the chapter where Paul sends back Onesimus, the Sermon on the Mount and the Golden Rule claim their rightful ascendancy over the heart of man.

And so, Mr. Chairman, in civil government I believe more truth is to break out, if we will but see it. We remember the long years in which the whole active forces of this government were on the side of slavery, — when the provisions for human liberty were simply dead restraints, and not active living forces. Our fathers said, in the Declaration of Independence, that, to secure these rights of liberty, equality, &c., governments were instituted among men; and they fought out a seven years' war on that issue. They instituted their government: and the next generation proceeded to show that that government was instituted to secure the rights of slavery, and to expound the Constitution on that hypothesis; and the grand purposes declared in the preamble of the Constitution, and the injunction that Congress should guarantee to every State a republican form of government, were entirely forgotten and ignored. The declarations of rights contained in the Constitution were deemed, at best, but as walls, marking the boundaries of federal legislation, or against which the forces of State power should beat themselves in vain. We are beginning to find out that these great provisions declare objects of affirmative and active exercise of national power and sovereignty, just as much as the regulation of commerce or maintaining the national territory. So, out of our Constitution, out of the principles contained in this Bill of Rights, out of the eternal principles of republican liberty, more truth and more light are still to break forth. And, in the blaze of that light, woman shall come to the side of man, bringing to the administration of government her love, her purity, and her truth!

CONSTITUTION

OF THE

American Woman Suffrage Association.

PREAMBLE. — The undersigned, friends of Woman Suffrage, assembled in delegate convention in Cleveland, O., Nov. 24 and 25, 1869, in response to a call widely signed, and after public notice duly given, believing that a truly representative national organization is needed for the orderly and efficient prosecution of the Woman Suffrage movement in America, which shall embody the deliberate action of the State and local organizations, and shall carry with it their united weight, do hereby form The American Woman Suffrage Association.

ARTICLE I.

NAME.

This Association shall be known as The American Woman Suffrage Association.

ARTICLE II.

OBJECT.

Its object shall be to concentrate the efforts of all the advocates of Woman Suffrage in the United States.

SECTION 1. To form auxiliary State Associations in every State where none such now exist, and to co-operate with those already existing which shall declare themselves auxiliary before the first day of March next; the authority of the auxiliary societies being recognized

in their respective localities, and their plans being promoted by every means in our power.

SEC. 2. To hold an annual meeting of delegates for the transaction of business, and the election of officers for the ensuing year; also, one or more national conventions for the advocacy of Woman Suffrage.

SEC. 3. To publish tracts, documents, and other printed matter, for the supply of State and local societies and individuals, at actual cost.

SEC. 4. To prepare and circulate petitions to State and Territorial Legislatures, to Congress, or to Constitutional Conventions, in behalf of the legal and political equality of women; to employ lecturers and agents; and to take any measures the Executive Committee may think fit, to forward the objects of the Association.

ARTICLE III.

ORGANIZATION.

SECTION 1. The officers of this Association shall be a President, eight Vice-Presidents at large, Chairman of the Executive Committee, Foreign Corresponding Secretary, Corresponding Secretary, two Recording Secretaries, and a Treasurer; all of whom shall be *ex officio* members of the Executive Committee. Also, one Vice-President, and one member of the Executive Committee from each State and Territory, and from the District of Columbia, as afterward provided.

SEC. 2. Every President of an auxiliary State or Territorial Society shall be *ex officio* a Vice-President of this Association.

SEC. 3. Every Chairman of the Executive Committee of an auxiliary State Society shall be *ex officio* a member of the Executive Committee of this Association.

SEC. 4. In cases where no Auxiliary State Association exists, a suitable person may be selected by the annual meeting, or by the Executive Committee, as Vice-President, or member of the Executive Committee from said State, to serve only until the organization of said State Association.

SEC. 5. The Executive Committee may fill all vacancies that may occur prior to the next annual meeting.

SEC. 6. All officers shall be elected annually at an annual meeting of delegates, on the basis of the Congressional representation of the respective States and Territories, except as above provided.

SEC. 7. No distinction on account of sex shall ever be made in membership, or in the selection of officers of this Society.

SEC. 8. No money shall be paid by the Treasurer, except u such restrictions as the Executive Committee may provide.

SEC. 9. Five members of the Executive Committee, when convened by the Chairman, after fifteen days' written notice previously mailed to each of its members, shall constitute a quorum; but no action thus taken shall be final, until such proceedings shall have been ratified in writing by at least fifteen members of the Committee.

SEC. 10. The Chairman shall convene a meeting whenever requested to do so by five members of the Executive Committee.

ARTICLE IV.

The Association shall have a branch office in every State and Territory, in connection with the office of the auxiliary State Society therein, and shall have a central office at such place as the Executive Committee may determine.

ARTICLE V.

This Constitution may be amended at any annual meeting by a vote of three-fifths of the delegates present therein.

ADDITIONAL CLAUSES.

Any person may become a member of the American Woman Suffrage Association by signing the Constitution, and paying the sum of one dollar annually; or a life-member, by paying the sum of ten dollars, which shall entitle such person to attend the business-meetings of delegates, and participate in their deliberations.

Honorary members may be appointed by the annual meeting, or by the Executive Committee, in consideration of services rendered.

ANNOUNCEMENT FOR 1871.

A WEEKLY NEWSPAPER.

THE WOMAN'S JOURNAL,

Devoted to the interests of WOMAN, to her educational, industrial, legal, and political Equality, and especially to her RIGHT OF SUFFRAGE.

Published every Saturday in Boston.

MARY A. LIVERMORE, EDITOR.

JULIA WARD HOWE, LUCY STONE, HENRY B. BLACKWELL, AND T. W. HIGGINSON, *Associate Editors.*

OPINION OF THE PRESS.

THE WOMAN'S JOURNAL. — The friends of Woman Suffrage who wish to keep the issue clear from entangling alliances with other reforms, and the endless host of individual whims and vagaries, — who would pursue it with the same singleness of aim that marks the movement in England, and the temperance and other special reforms in this country, have established a weekly paper, "THE WOMAN'S JOURNAL," published in Boston and Chicago, and edited by Mrs. Livermore, Mrs. Lucy Stone, Mrs. Julia Ward Howe, Mr. William Lloyd Garrison, and Mr. T. W. Higginson, assisted by accomplished friends of the cause. "THE WOMAN'S JOURNAL" is a fair and attractive paper in appearance; while the variety and spirit of its articles, and the dignity, self-respect, good-humor, and earnestness of its tone, will show how profoundly mistaken are those who suppose that folly and extravagance are necessarily characteristic of the discussion of the question. THE JOURNAL is indispensable to those who would truly understand the character of the movement, and measure its progress. — *George William Curtis, in Harper's Weekly.*

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Letters containing remittances, and relating to the business-department of the paper, must be addressed to WOMAN'S JOURNAL, Box 4297, Boston, Mass.

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